

## REMARKS/ARGUMENTS

In the Office Action mailed July 2, 2008, claims 1-16 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the amendments and the below-provided remarks.

For reference, claim 1 is amended to incorporate a portion of the subject matter of claim 4. Claim 4 is amended to eliminate the subject matter incorporated in claim 1. Claim 7 is amended to incorporate a portion of the subject matter of claim 9. Claim 9 is amended to eliminate the subject matter incorporated in claim 7. Claim 11 is amended to incorporate a portion of the subject matter of claim 14. Claim 14 is amended to eliminate the subject matter incorporated in claim 11. These amendments are supported by the original language of the claims. No claims are added or canceled.

### Claim Rejections under 35 U.S.C. 103

Claims 1, 2, 6, 7, 11, 12, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al. (U.S. Pat. No. 7,253,717, hereinafter Armstrong) in view of Arneson et al. (U.S. Pat. No. 7,009,496, hereinafter Arneson). Additionally, claims 3, 4, 8, 9, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Arneson in view of MacLellan et al. (U.S. Pat. No. 5,929,779, hereinafter MacLellan). Additionally, claims 5, 10, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Arneson in view of MacLellan and further in view of Voegelé (U.S. Pat. No. 67,25,014). However, Applicant respectfully submits that these claims are patentable over Armstrong, Arneson, MacLellan, and Voegelé for the reasons provided below.

### Independent Claim 1

Claim 1 recites “sending a time-slot progressing information, for progressing from the current time slot to the time slot following next in line, from the reader station to the data carriers, characterized in that the time-slot progressing information comprises a time-slot characterizing information formed by multiple pulses, wherein the multiple

pulses identify one of the N time slots, and which is evaluated by the data carriers in order to establish the current time slot in each case” (emphasis added).

The Office Action acknowledges that Armstrong does not teach time slot characterizing information which identifies one of the N time slots. In the rejections of claims 4, 9, and 14, the Office Action also recognizes that Armstrong does not teach time slot characterizing information formed by multiple pulses. Hence, the Office Action relies on MacLellan as purportedly teaching time-slot characterizing information formed by multiple pulses.

However, MacLellan does not teach time-slot characterizing information formed by multiple pulses to identify one of N time-slots. MacLellan merely teaches a synchronization signal that marks the start of a time-slot. Although the synchronization signal may include multiple pulses, the synchronization signal is not time-slot characterizing information to identify one of N time-slots. In particular, the sync pulses taught by MacLellan do not contain any information that can be recognized by the tag devices to identify a particular timeslot out of a number of timeslots. Rather, the tags individually synchronize onto periodic downlink sync pulses. MacLellan, col. 6, lines 7-8. Once a tag synchronizes, the tag randomly transmits in 6 of 21 available timeslots during an uplink cycle. MacLellan, col. 6, lines 8-10. Thus, the tags do not use the sync pulses to identify a particular timeslot, because the tag randomly selects the timeslots in which it transmits during the uplink cycle. Thus, the sync signal does not provide any identification of a particular timeslot, but is merely used for synchronizing transmissions. However, mere synchronization of transmission signals is insufficient to support the asserted rejection because synchronization does not identify or allow the tags to identify a particular timeslot out of the 21 available timeslots.

Furthermore, MacLellan states that the downlink sync signals are used for specific functions, which do not include identifying a particular timeslot. MacLellan states that the downlink sync signals are used to a) acknowledge receipt of data, b) inform other tags to remain silent, and c) inform a designated tag to stop transmitting. MacLellan, col. 6, lines 52-55. However, none of these functions identifies a particular timeslot or, more specifically, identifies one of N timeslots. Therefore, the sync pulses of MacLellan do

not identify one of N timeslots and, hence, are not timeslot characterizing information to identify one of N timeslots.

Additionally, the Office Action states that MacLellan uses the sync pulses to indicate the position of the timeslots. However, even if the sync pulses of MacLellan are used to indicate a starting time of each timeslot, the sync pulses do not indicate relative positions, or an order, of timeslots. In other words, the sync pulses of MacLellan do not contain information to identify a particular timeslot relative to any other timeslot because the sync pulses merely indicate a starting time of each timeslot. Therefore, combining the sync pulses of MacLellan with the teachings of Armstrong and Arneson nevertheless fails to teach time-slot characterizing information formed by multiple pulses to identify one of N time-slots because the sync signals of MacLellan are not used to identify one of N time-slots.

For the reasons presented above, Armstrong, Arneson, and MacLellan do not teach all of the limitations of the claim because Armstrong, Arneson, and MacLellan do not teach time slot characterizing information formed by multiple pulses to identify a current time-slot, as recited in the claim. Accordingly, Applicant respectfully asserts claim 1 is patentable over Armstrong, Arneson, and MacLellan because Armstrong, Arneson and MacLellan do not teach all of the limitations of the claim.

#### Independent Claim 7

Applicant respectfully asserts independent claim 7 is patentable over Armstrong, Arneson, and MacLellan at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites “the time-slot definition means are designed to evaluate the time-slot characterizing information formed by multiple pulses in order to determine the current time slot in each case” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicant respectfully asserts claim 7 is patentable over Armstrong, Arneson, and MacLellan because Armstrong, Arneson, and

MacLellan do not teach time-slot characterizing information formed by multiple pulses in order to determine a current time slot, as recited in the claim.

#### Independent Claim 11

Applicant respectfully asserts independent claim 11 is patentable over Armstrong, Arneson, and MacLellan at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 11 recites “wherein the time-slot characterizing information is formed by multiple pulses and identifies one of the N time slots, and is evaluated by the data carriers in order to establish the current time slot in each case” (emphasis added).

Here, although the language of claim 11 differs from the language of claim 1, and the scope of claim 11 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 11. Accordingly, Applicant respectfully asserts claim 11 is patentable over Armstrong, Arneson, and MacLellan because Armstrong, Arneson and MacLellan do not teach all of the limitations of the claim.

#### Dependent Claims

Claims 2-3, 5-6, 8, 10, 12-13, and 15-16 depend from and incorporate all of the limitations of the corresponding independent claims 1, 7, and 11. Applicant respectfully asserts claims 2-3, 5-6, 8, 10, 12-13, and 15-16 are allowable based on allowable base claims. Additionally, each of claims 2-3, 5-6, 8, 10, 12-13, and 15-16 may be allowable for further reasons, as described below.

#### There is no *prima facie* rejection of claims 3, 8, and 13

The rejections of claims 3, 8, and 13 are improper because the Office Action does not establish *prima facie* rejections for claims 3, 8, and 13. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason why the two references should be combined, and why the claimed invention would have been obvious based on the combination of the references. MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_ (2007)).

The Office Action fails to present a clear articulation of the reason why the limitations of claim 3 would have been obvious because the Office Action fails to acknowledge the actual language of claim 3, which recites “the time-slot characterizing information is formed by two pulses, wherein the time duration of a pulse interval between the two pulses identifies one of the N time slots” (emphasis added). The Office Action makes no assertion that the cited references might describe time-slot characterizing information formed by two pulses in which the time duration of a pulse interval between the two pulses identifies one of the N time slots. Moreover, the Office Action does not assert the indicated limitation might otherwise be obvious in light of the cited references. The Office Action similarly fails to address the time duration limitations of claims 8 and 13.

Therefore, the Office Action fails to establish *prima facie* rejections for claims 3, 8, and 13 because the Office Action does not assert or show how the cited reference might teach the time duration limitations of claims 3, 8, and 13. Accordingly, Applicant respectfully submits that the rejections of claims 3, 8, and 13 under 35 U.S.C. 103(a) should be withdrawn because the Office Action fails to establish *prima facie* rejections.

## CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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